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**Application No. 09/622,343**

**September 13, 2004**

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-8 and 10-20 are pending in this application.

**Request to Acknowledge Priority Under 35 U.S.C. §119 and Request to Confirm Receipt of Priority Document:**

The present application is a national phase filing of international application no. PCT/GB99/00757 and claims priority under 35 U.S.C. §119 from application no. (EP) 98301959.7. The Notification of Acceptance of Application under 35 U.S.C. §371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed September 7, 2000 expressly acknowledges receipt of the priority document. In light of this earlier acknowledgement that the priority document has been properly received by the USPTO via WIPO and the PCT process, the Examiner is respectfully requested to acknowledge Applicant's claim for priority and confirm receipt of Applicant's priority document so as to perfect Applicant's priority claim under 35 U.S.C. §119.

**Rejections Under 35 U.S.C. §102 and §103:**

Claims 1-6 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Conoscenti et al (U.S. '836, hereinafter "Conoscenti"). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Conoscenti fails to

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disclose each element required by claims 1-6. For example, Conoscenti fails to disclose the following elements required by claim 1:

“each of the downstream routers being connectable by a switchable low bandwidth return path, the head end router selecting the return control path from only one of downstream routers at a time by causing set-up of the respective return path to the only one of the downstream routers; and

each downstream router receiving data from the common high bandwidth forward data path only when the return path is held connected by the head end router.”

This feature is supported by, for example, Figs. 1-2 of the present application which illustrates a common channel 3 being transmitted from a head end router 2, and the whole capacity of that channel 3 being dedicated to supplying one of the plurality of routers 8A, 8B at any one time. The low bandwidth return path from routers 8A and 8B is controlled to ensure that only one router 8A or 8B is selected for the purpose of receiving from a common high bandwidth forward data path. The selection of the downstream router to receive is under the control of the head end router 2 and data source 4. In particular, only when the data source 4 and head end router 2 want to establish a link to the downstream router is there an established return link to enable a client connected to that downstream router to make requests. It is thus the head end router that establishes a return path, not the downstream router.

Conoscenti discloses each destination having an individual communications path in both directions. Col. 19, lines 44-49 of Conoscenti discloses “Together,

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the downstream fiber 233 and upstream fiber 237 also provide for 2-way telephone communications and 2-way signalling channels. In an alternate embodiment, the network might use a signal fiber between the HDT and each ONU and provide both downstream traffic and upstream traffic on that one fiber.” An individual communications path is effected for each recipient with an “always on” return path. Col. 11, lines 39-49 states “At the network node which terminates the ATM cell transport, a receiver captures each ATM cell having a specified VPI/VCI. In the preferred embodiment, the network 15 transports ATM cells through to the subscriber terminals 17. Therefore the receiving node would be the subscriber’s terminal....”

Accordingly, the transmission system of Conoscenti relates to high level bit streams comprising cells addressed to multiple users which are individually picked off by the receiving node, not data transmission along a common path to multiple downstream routers in which the data transmission is intended for only a single one of the downstream routers at any one time and in which the single downstream router is selected by a head-end router dialling the downstream router.

Accordingly, Applicant submits that claims 1-6 are not anticipated by Conoscenti and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

Claim 7 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Conoscenti in view of Virgile (U.S. ‘726). Since claim 7 depends from claim

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1, all of the comments made above with respect to Conoscenti apply to claim 7.

Virgile fails to remedy the above described deficiencies of Conoscenti. Applicant therefore requests that the rejection of claim 7 under 35 U.S.C. §103 be withdrawn.

Claims 8-17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Carr et al (U.S. '446, hereinafter "Carr"). Applicant respectfully traverses this rejection.

Carr fails to disclose each element of the claimed invention. For example, Carr fails to disclose a plurality of downstream routers each coupable to a ATM PVC, control of the receiving downstream router being activated by a head end router which is also coupable to the ATM PVC as required by independent claim 8 and its dependents. Carr also fails to disclose "reading the IP address of the activation packet and extracting connection information from a modem mapping table using the IP address to index the table and dialling from a PSTN modem connected to the head end router to a PSTN modem connected to one of the downstream routers using the connection information in order to establish a return data connection over the PSTN between the head router and the downstream router, the downstream router receiving data only when a return connection is established between the head end router and the downstream router," as required by independent claim 14 and its dependents.

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While Carr discloses “many users can be served by one 6 megahertz channel,” (col. 3, lines 43-44) all users receive all of the information content of the channel. While some data is addressed to individual users in response to a transmitted request for that information (col. 3, lines 55-58), the system is dealing with point to point communications (col. 3, lines 24-25). Col. 4, lines 24-26 of Carr states “These modems provide terminations for dial-up links **established by the user** which are initiated at the beginning of a communications session (emphasis added).”

Accordingly, Carr discloses that control of the return path (i.e., the “slower” path of an asymmetric data connection) is by the user and the “shared” (i.e., the “fast” data path in the asymmetric data connection) carries address data within a stream carrying common signalling for all users. There is no disclosure or suggestion of a system in which multiple receivers (downstream routers) have an individual virtual private circuit, the head end controlling the return path during periods when an individual receiver is entitled to the VPC data.

Accordingly, Applicant respectfully submits that claims 8-17 are not anticipated by Carr and respectfully requests that the rejection of these claims under 35 U.S.C. §102(b) be withdrawn.

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**New Claims:**

New claims 18-20 have been added to provide additional protection for the invention. These claims are allowable for at least the reasons discussed above with respect to their respective base claims.

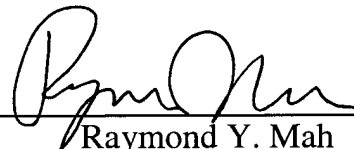
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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